



**STATE OF NEW JERSEY**

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

In the Matter of Charles Dishon, *et al.*, County Correction Sergeant (various jurisdictions)

Examination Appeal

CSC Docket No. 2018-3761, *et al.*

**ISSUED: SEPTEMBER 5, 2018 (ABR)**

Charles Dishon, Robert Ford, Michael Greutert, Derek Horvath, William Kennedy, John Paul Morici, Gonzalo Pedre, Joseph Rubino and Konstantin Smirnov, (PC2621V), Ocean County; and Albert Aboyoun III, Christopher Baker and Nelson Perez, (PC2622V), Passaic County; appeal the promotional examination for County Correction Sergeant (various jurisdictions). These appeals have been consolidated due to common issues presented by the appellants.

The subject examination was administered on June 6, 2018 and consisted of 70 multiple choice questions. It is noted that during the test administration, candidates were provided with two booklets, Booklet A (County Correction Sergeant Supplemental Examination Material) and Booklet B (2018 County Correction Sergeant Examination). Booklet A contained stimulus material and Booklet B contained the exam questions.

An independent review of the issues presented on appeal has resulted in the following findings:

Question 7 asks when, pursuant to *N.J.A.C.* 10A:31-7.4, notice “should” be given to the appropriate agencies about an inmate’s escape. The keyed response is item c, immediately. Baker selected option d, “[a]fter the inmate’s emergency contact person has been notified.” However, on appeal he asserts that there is no correct answer to the question because it uses the word “should” rather than “shall.” In this regard, he notes that *N.J.A.C.* 10A:31-7.4(e) states that “[i]mmediate notice *shall* be given to all appropriate agencies to protect public safety in the event of an

escape” (emphasis added). He argues that the question is incorrect because its use of the word “should” does not convey that it is mandatory to immediately notify the appropriate authorities. He contends that “should” means that authorities do not have to be notified at all or within any specific timeframe. Initially, the Civil Service Commission (Commission) notes that with Questions 1 through 25 on the examination, examinees were instructed to “answer each question by choosing the response that **BEST** addresses each situation based upon the rules specified in *N.J.A.C. 10A:31*.” Furthermore, the Commission notes that Webster’s II New College Dictionary (3<sup>rd</sup> Ed. 2005) defines “should” as:

1. Used to express duty or obligation
2. Used to express probability or expectation
3. Used to express conditionality or contingency
4. Used to moderate the directness or bluntness of a statement

Only the first two definitions noted above could reasonably be applied in the interpretation of “should” in Question 7. Thus, the use of “should” in this context makes it sufficiently clear that the best response in this situation is to notify the appropriate authorities immediately. Specifically, applying the first definition of “should” would make it clear that one’s duty or obligation is to immediately notify the proper authorities, while utilizing the second definition would convey that immediate notification is the expected response. Finally, even if Baker’s reading of less certainty into the word “should” into the question were accepted by the Commission, notifying the authorities immediately would remain the best response among the four answer choices listed for Question 7. Thus, the question is correct as keyed.

Question 20 provides the following list of individuals and asks, according to *N.J.A.C. 10A:31-13.25*, whose orders should be followed when preparing and serving special medical diets to inmates:

- I. Shift supervisor.
- II. Adult County Correctional Facility Administrator.
- III. Physician who is responsible for medical services.
- IV. Dentist who is responsible for dental services.

The keyed response is option b, III or IV only. Baker selected option c, “II, III or IV only” on the examination. On appeal, he argues that there is no correct answer, as the keyed response effectively states that it is the physician who is responsible for medical services *or* the dentist who is responsible for dental services when it should be both (i.e., the physician who is responsible for medical services *and* the dentist who is responsible for dental services). It is noted that *N.J.A.C. 10A:31-13.25* provides that, “[s]pecial medical diets shall be prepared and served to inmates as ordered by the physician *or* dentist who is responsible for medical *or* dental services

(see *N.J.A.C. 10A:31-10.4*)” (emphasis added) and *N.J.A.C. 10A:31-10.4(a)* states that “[p]rovisions shall be made for special diets as prescribed by a physician or dentist of the adult county correctional facility” (emphasis added). Thus, the “or” in the question is consistent with the language of the regulation it references. Furthermore, it is clear that if an inmate is experiencing an illness that does not impact their oral health, it would only be necessary for a physician to give orders regarding the inmate’s dietary needs. Conversely, if an inmate has a routine dental issue alone, it would only be necessary for a dentist to be consulted regarding the inmate’s special dietary needs. Thus, the question is correct as keyed.

Question 27 indicates that CO Cruz witnessed Inmate Arroyo talking to himself in a dayroom area and making dramatic hand gestures as though he was having a conversation with someone. The question asks what CO Cruz should do first. The keyed response is option b, “[a]sk Inmate Arroyo what he is doing to see if he is okay.” Ford, Greutert, Kennedy, Pedre and Smirnov argue that the best answer is option a, “[n]otify a supervisor of Inmate Arroyo’s strange behavior.” Ford, Greutert and Kennedy argue that it is necessary to notify the supervisor first, because the unpredictable nature of Inmate Arroyo’s potential reaction creates a potential safety hazard. Ford maintains that doing so is important, because the supervisor may want to be present with CO Cruz when he approaches the inmate, given that the situation could escalate. In support, Greutert and Kennedy note that Booklet A acknowledges Inmate Arroyo’s mental health issues. Further, Greutert and Kennedy submit that a mental health specialist at the Ocean County Jail advised them that Inmate Arroyo was exhibiting unpredictable and possibly dangerous behavior. Kennedy also contends that other mental health professionals and supervisory officials at the Ocean County Jail agree with that assessment. Accordingly, Greutert and Kennedy contend that notifying the supervisor would be critical for the safety of CO Cruz. Pedre argues that his asking Inmate Arroyo does not help the situation, as he is not a medical professional. Accordingly, Pedre believes that notifying the supervisor is the best way to ensure that Inmate Arroyo gets the immediate medical attention he appears to need. Smirnov contends that the CO<sup>1</sup> should seek guidance from a more experienced officer, such as her supervisor, before addressing the situation because the CO is a rookie learning on the job and would have only received very limited training on how to deal with inmates with mental illness. Smirnov adds that it is a very delicate situation, as having a mentally unstable inmate in a general population could harm himself, other inmates and/or the officers assigned to that unit. Here, if CO Cruz were to proceed to a supervisor without first speaking with Inmate Arroyo, the supervisor would generally ask him if he had talked to the inmate. By asking Inmate Arroyo about what he is doing, CO Cruz can quickly ascertain whether Arroyo is aware of

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<sup>1</sup> Smirnov refers to CO Kim in his appeal. However, as indicated above, the question refers to CO Cruz. It is noted that CO Kim and CO Cruz are relatively similarly situated. Specifically, Supplement A states that “CO Kim is a rookie and has been on the job for six months” and that CO Cruz is a relatively new CO at the facility.

his surroundings. Speaking with the inmate before going to a supervisor will give him or her the information necessary to ensure that prompt and appropriate action is taken with respect to Inmate Arroyo. Therefore, the keyed response is the best answer.

Question 29 provides that Inmate Brady is a medium security inmate assigned to Housing Unit South. It notes that Inmate Brady wears a yellow jumpsuit, was granted higher level trustee status and works in the kitchen. Furthermore, it indicates that Inmate Brady's cellmate is Inmate Foles, who is also a medium security inmate. Immediately before listing answer options a through d, the question states: "[w]hich is not in compliance with the Exeter County Correctional Facility policy regarding general inmate information? Inmate Brady should be." The keyed response is option d, that Inmate Brady should be granted lower-level trustee status. Upon review, the Division of Test Development and Analytics has determined to omit this item from scoring prior to the list being issued, given that the question, as written, asks for what "is not in compliance" with facility policy but the keyed response of granting Inmate Brady lower level trustee status would be the action required to bring him *into* compliance with facility policy for medium security inmates. Accordingly, any appeals concerning Question 29 are considered moot.

Question 36 presents that one of the examinee's officers has advised them that on a perimeter tour, the officer found that an emergency exit door leading to the outside was not properly secured and could be opened with minimum force. The question asks what the examinee, as a County Correction Sergeant, should do first. The keyed response is a, to notify Lieutenant Baker. Dishon and Greutert argue that the best response is option c, to examine the door and see what the problem is. Dishon contends that is the best answer because the easily-opened door is an abnormality that needs to be promptly addressed in accordance with facility policy. Specifically, he cites the policy stated in that Booklet A that "abnormalities (e.g., loose gates, fixtures, etc.) must be resolved immediately and, if necessary, an investigation started into the cause of the abnormality." Greutert asserts, in relevant part, that because the fact pattern does not necessarily support the conclusion that an escape occurred, it is best to first check the door and attempt to gather facts before informing Lieutenant Baker. In this regard, Greutert asserts that doing so is vital to ensure that an escape is not incorrectly reported, as an incorrect report could cause a public panic and waste resources. The SMEs indicated that it is imperative to ensure that all inmates are accounted for. As such, the examinee's first action should be to notify Lieutenant Baker, who would then lock the facility down and conduct a count. Here, a review of Question 36 supports the conclusion that Lieutenant Baker should be notified first. It is critical to put Lieutenant Baker on notice so that she can quickly order a lockdown and a count and thereby ascertain whether an escape occurred. After Lieutenant Baker is

informed of this, it is very easy to call maintenance to have them look at the door in question. Thus, the response is correct as keyed.

Question 38 indicates that while CO Kim was overseeing the meal distribution in Housing Unit South, a set of inmates in line for food claimed that the trustee distributing food gave their bread slices to inmates who were at the front of the line. That group of inmates then began shouting at the trustee through the sally port. One inmate thereafter proceeded to throw his tray to the ground out of frustration. The question asks what CO Kim should do first. The keyed response is option d, “[o]rder all the inmates to lock in.” It is noted that Greutert had selected the keyed response on the examination but has appealed this question. Ford argues that option b, “[r]equest that more bread be delivered,” is the best answer, while Aboyou, Baker and Perez contend that option c, “relieve the trustee from his duty,” is the best response. Ford maintains that making the inmates aware that more bread was ordered will serve to quickly reduce tension. Ford notes that the inmate who threw the tray to the ground could be disciplined after the situation calms down. Ford maintains that ordering the inmates to lock in could escalate the situation and jeopardize CO Kim’s safety, as the inmates are less likely to comply with such an order if they have not received a complete meal. Aboyou and Baker argue that relieving the trustee is the proper action because doing so quickly eliminates the source of tension. Both Aboyou and Baker contend that the question does not provide enough information to conclude that locking in the inmates is the proper response because it does not indicate whether the inmates will be eating during the lock in and, if so, whether they would be provided with a small table, shelf and seating arrangement in accordance with *N.J.A.C.* 10A:31-10.5(d). Furthermore, Baker claims that the lock in would violate the prohibition against using food as a disciplinary measure contained in *N.J.A.C.* 10A:31-10.6 and could be viewed as an unreasonable punishment by penalizing all of the inmates for the actions of the trustee and the few inmates who were upset by this situation. In this regard, Baker notes that *N.J.A.C.* 10A:31-16.1(b) requires rules to be “reasonable and evenly applied.” Perez argues that locking the inmates in violates *N.J.A.C.* 10A:31-16.5(c)4 by confining them to a cell without charging them with a violation. Here, with several inmates expressing anger, there is a risk of the situation escalating into a riot. As such, the best course of action is for CO Kim to have the inmates lock in. It would not be appropriate to order more bread or relieve the trustee of duty as a first action because CO Kim does not know whether the trustee actually gave the bread away. Moreover, it is clear that the issue of how the inmates will be served would be addressed after the area is secured. Finally, such action appears to be consistent with the requirements for meeting emergencies set forth under *N.J.A.C.* 10A:31-7.1, *et seq.*, rather than a sanction for a minor violation that would fall under the purview of *N.J.A.C.* 10A:31-16.5(c)4. Accordingly, the keyed response is correct. Therefore, Greutert’s appeal of this question is considered moot.

Question 39 indicates that CO Kim observed Inmate Folly giving away his belongings, including books and food, to inmates sitting in a dayroom. The question notes that CO Kim is suspicious of Inmate Folly's motivation for doing so and it asks what she should do to handle the situation. The keyed response is option b, to "question Inmate Folly about why he is giving away his possessions." Pedre argues that the best answer is option d, to allow Inmate Folly to proceed to give away his belongings, but closely monitor him for any signs of trouble. Pedre maintains that asking Inmate Folly about his reason for giving away his property would agitate him and border on harassment, as inmates are permitted to give their possessions to friends or other inmates in need. A review of Question 39 demonstrates that Inmate Folly is exhibiting strange behavior which could indicate that he is contemplating suicide. Thus, the situation requires immediate action, rather than waiting to see if he exhibits signs of trouble. By talking to Inmate Folly, CO Kim can ascertain his motivation and see whether there is reason to be concerned about his mental state. Accordingly, the question is correct as keyed.

Question 46 observes that it is important for supervisors "to be able to recognize signs of stress in [their] subordinates." The question asks examinees to identify which items on the following list "can be behavioral symptoms of stress":

- I. Obsession with work
- II. Inability to concentrate on tasks
- III. Proneness to accidents on the job
- IV. Withdrawal from other officers

The keyed response is option d, all of the above. Rubino argues that the question should be removed from the subject examination because the answer cannot be drawn from *N.J.S.A. 10A:31-1, et seq.* or from the standard training provided to County Correction Officers. Rubino also contends that the question provides an unfair advantage to officers who may have received extra training related to mental health. Morici argues that the best response to Question 46 is option c, II, III and IV only. Morici argues that because "passion" is a synonym for "obsession," "obsession with work" would not necessarily indicate stress. As such, Morici maintains that only the other three choices are correct. With regard to the propriety of the question, the subject examination was developed to test candidates on the knowledge, skills and abilities that are necessary to perform the duties of a County Correction Sergeant, as identified through a job analysis. As stated in the job specification for the subject title, the duties of a County Correction Sergeant include "supervis[ing] a squad of officers [and] review[ing] their work performance." Hence, an examinee's ability to assess their subordinates' ability to perform their assigned tasks is a function within the scope of the examination. Further, the Commission notes that the 2018 County Correction Sergeant Orientation Guide (Orientation Guide) provides that the Situational Judgment Section of the examination "may include... questions dealing with the supervision of correctional

officers, the ability to recognize dangerous or hazardous conditions, the ability to determine the information needed to solve a problem, and the ability to make decisions.” Testing a candidate on his or her ability to identify signs of stress in subordinates is consistent with the duties of the title, as stress could inhibit a subordinate’s ability to effectively perform duties such as monitoring a post or responding to a code. It is clear that the question evaluates each examinee’s ability to think critically and does not require knowledge from specialized training. In this regard, the question does not ask for a high-level clinical analysis. Rather, it presents candidates with a list of items and asks them to think critically about whether each could be associated with stress based upon the basic knowledge of human behavior that they would have derived from their interactions with inmates and custodial staff while serving as County Correction Officers. Accordingly, the question is appropriate for the subject examination. As to Morici’s contention that option c is the better answer, the Commission points out that Question 46 uses qualifying language to ask examinees candidates which items “*can* be” behavioral evidence of stress. As such, even assuming that “obsession with work” may not always indicate stress, it is a proper choice here because it is a *possible* sign of it. Accordingly, the question is correct as keyed.

Question 51 asks which of the following items are common pitfalls of first-time supervisor that should be avoided:

- I. Over-supervising
- II. Striving for popularity
- III. Making excessive changes
- IV. Taking accountability

The keyed response is option c, “I, II and III only.” Smirnov argues that the question should be removed from the examination because the subject was not covered in the study guide or supplemental material and test takers were not advised to reference any material on the subject. Alternatively, Smirnov argues that the best response is option d, “I, II, III and IV” because a newly-promoted supervisor may feel compelled to take accountability for the actions of his or her immediate subordinates and that is not a good quality because the officers need to be held accountable for their own actions. Here, the subject examination was developed to test the on the knowledge, skills and abilities that are necessary to perform the duties of a County Correction Sergeant, as identified through a job analysis. As stated in the job specification for the subject title, an incumbent is required to “supervise[ ] a squad of officers [and] review[ ] their work performance.” Hence, an examinee’s ability to supervise their subordinates and assess their subordinates’ ability to perform their assigned tasks is a function within the scope of the examination. Accordingly, the Orientation Guide advises candidates that they will be presented with questions that deal with the supervision of correctional officers. Here, Question 51 serves to test candidates’ ability to assess the

performance of their subordinates and their ability to think critically about the actions or behaviors that could undermine their efficacy; knowledge that they would have acquired from interacting with supervisors and other custodial staff members in their current positions. As such, the question is appropriate for the subject examination. With regard to the correct response, the Commission notes that taking accountability is not considered a pitfall. All employees, including supervisors, are assigned responsibilities based upon their job title and must take responsibility for their actions and job performance. Moreover, supervisors are, to a degree, accountable for their subordinates and may face consequences for their subordinates' misconduct if it can be linked to improper oversight by the supervisor. Accordingly, the question is correct as keyed.

Question 52 indicates that the examinee, while out in the outdoor recreation yard during a routine tour, notices that CO Golding is sitting in a chair next to CO Kim, who is standing. The question indicates that officers must stand on opposite sides of the outdoor recreation yard and remain attentive whenever inmates are present there. It states that CO Golding apologizes to the examinee, explaining that he “was taking a quick break [and had] been working a lot of overtime.” It asks for the best way to handle the situation. The keyed response is option b, to “[o]rder another officer to relieve CO Golding from his post and have CO Golding report to your office to discuss why he was sitting on the job.” Dishon, Horvath Morici and Aboyou argue that the best response is option a, to “[a]ccept CO Golding’s apology, and order him to stand on the other side of the recreation yard,” while Pedre argues that the best response is option c, to “[e]xplain to CO Golding that he cannot sit while supervising recreation, and inform Lieutenant Baker of the situation.” Dishon contends that the question does not provide enough information to demonstrate that option b is the correct response. In this regard, Dishon submits that *N.J.A.C. 10A:31-8.12(d)* prohibits custody staff from “leav[ing] their assigned posts without being properly relieved unless authorized by the Administrator or designee,” while *N.J.A.C. 10A:31-8.12(e)*, prohibits the removal of custody staff from their posts “to perform another function if [doing so causes the post to become] unstaffed unless authorized by the Administrator or designee.” Dishon argues that the question does not state whether another post would be left unmanned and, if so, that the examinee, as a County Correction Sergeant, is permitted to reassign staff in that circumstance. Horvath and Morici argue that ordering CO Golding to the other side of the recreation yard after accepting his apology is the best answer because it is the only one that immediately corrects the issue. Horvath argues that because CO Golding left his post unmanned there is a security risk and a violation of *N.J.A.C. 10A:31-8.12(d)* that needs to be immediately corrected. Accordingly, Horvath and Morici maintain that a custody staff member must be put in that post first in order to restore proper supervision of the inmates. Horvath and Morici also cite the Commission’s finding regarding a question on the 2017 County Correction Sergeant examination (2017 Examination) in *In the Matter of Bruce Gomola* (CSC, decided October 4, 2017). Specifically, Question 26 on the 2017 Examination

involved a CO stepping out of a control pod to speak with the examinee, resulting in the control pod being left unattended, and asked what the examinee's first action should be. Horvath and Morici note that the Commission found the keyed answer of ordering the CO back to his post was correct. As such, he argues that returning CO Golding back to his post is the first action that should occur in response to Question 52 on the subject examination. Horvath submits that because it is important to properly staff all posts and it is common for facilities to be undermanned, pulling another officer will leave another post short-staffed and could prove problematic if a Code, such as a Code Blue or Code Brown is called. Horvath maintains that accepting CO Golding's apology in the moment does not preclude you from speaking with him and/or taking corrective action at another time. Aboyou maintains there is no need to relieve CO Golding and call him into the Sergeant's office because CO Golding has already explained why he was sitting. Aboyou acknowledges that it would make sense to call CO Golding into the office to counsel him, but he argues that the keyed response fails to stipulate that he would be counseled while in the examinee's office. Pedre argues that CO Golding should be ordered back to his post and the examinee, as the Sergeant, should inform Lieutenant Baker. Pedre contends that the public reprimand in the keyed response would embarrass CO Golding and cause him to lose the respect of the inmates. Accordingly, Pedre argues that option c is the best response because it immediately corrects the issue without telling revealing to the inmates that CO Golding is being reprimanded. A review of Question 52 demonstrates that the appropriate response is to have CO Golding relieved and report to the examinee's office. Doing so allows the examinee, as a County Correction Sergeant, to get more information about why he was sitting. Even though CO Golding has attributed his needing to sit to "working a lot of overtime" lately, that statement does not quantify the amount of CO Golding's overtime work. Moreover, as the question makes clear, "officers are supposed to be...attentive at all times." If CO Golding is too tired to stand, he may not be sufficiently alert to fulfill the duties required of the post. Talking with him in the office would allow the examinee, as a County Correction Sergeant to more effectively ascertain his ability to function. The keyed response does not suggest that the post in question would be left unmanned. It is understood that CO Golding would report to the examinee's office only after another officer relieves him from his post. It is noted that the question does not suggest that there is a shortage of staff. Moreover, Booklet A makes clear that nine officers are assigned to each housing unit area, including three COs who serve as roamers that are the first to be as backup responders to a minor incident not involving a Code. Accordingly, Question 52 is correct as keyed.

Question 53 indicates that CO Phelps has asked Sergeant Farrell to respond to the Disabled/Female Housing Unit after CO Phelps noticed Inmate White talking to herself and quickly pacing back and forth in her cell. Inmate White reveals to Sergeant Farrell that she is thinking of harming herself. The question asks what Sergeant Farrell should do first. The keyed response is option b, to "escort Inmate

White to the medical unit.” Ford and Rubino argue that the best response is option a, to “[o]rder CO Phelps to place Inmate White in restraints.” Greutert contends that the best response is option c, to “separate Inmate White from the general population.” Ford and Rubino argue that the use of restraints is justified by the need to protect the safety of the inmate, officers and medical staff in accordance with *N.J.A.C. 10A:31-9.3(a)3*. In this regard, Ford suggests that this action should be taken to prevent Inmate White from using the escort as an opportunity to harm herself. Rubino maintains that restraining Inmate White will ensure she is kept under constant supervision, as *N.J.A.C. 10:31-9.3(c)* prohibits an inmate from being left without proper supervision during all times she is restrained. Rubino indicates that he would explain to Inmate White that he is taking this action to ensure her safety. Rubino adds that he would escort the inmate to the medical unit after putting her in restraints. Greutert argues that option a and option c are the same, as taking her to the medical unit does separate her from the general population. However, Greutert contends that, based on conversations he had with a mental health specialist and supervisors at the Ocean County Jail, the best action would be to handcuff Inmate White and have a mental health specialist come to her cell after she is separated from other inmates. Greutert maintains that this would best ensure the security of all parties. Greutert adds that if Inmate White were taken to the medical health unit without restraints, it could result in an unnecessary use of force and possible injury in the event of a subsequent outburst. A review of Question 53 demonstrates that the appropriate response is to escort Inmate White to the medical unit. Here, while Inmate White has indicated that she is thinking of harming herself, there is no suggestion that she has demonstrated that she may act on those thoughts. As such, the circumstances would not serve to “prevent inmate injury or injury to others” or otherwise provide a permissible reason to use restraining equipment under *N.J.A.C. 10A:31-9.3(a)*. Option c is incorrect because the first priority is to get Inmate White to the medical unit so as to enable as rapid of an assessment and treatment of her mental health as possible. Furthermore, “separating” her does not necessarily imply bringing her to the unit, as it could also refer to her being placed in a holding cell. Accordingly, the question is correct as keyed.

Question 55 indicates, in relevant part, that CO Banks wants to separate cellmates Dyne and Rolston from each other and have Rolston placed into a different housing unit because she believes that there may be an unsolicited, inappropriate relationship between them and she fears for Dyne’s safety. CO Banks had questioned Inmate Dyne in private about the situation, but Dyne denied any wrongdoing on his part or by Inmate Rolston. CO Banks has noticed other details that have led her to fear for Dyne’s safety. Question 55, asks what action, apart from considering whether to separate Inmates Rolston and Dyne, the examinee would take to address the situation. The keyed response is option a, “[s]peak privately with Inmate Rolston to obtain additional information.” Perez argues that the best response is option c, touring the area and spending time personally

observing the interaction between the two inmates to draw a proper conclusion, because speaking privately with Inmate Rolston “will draw a single-sided story” and police academies instruct recruits to take statements from all parties involved in an incident. Here, there is value in speaking privately to Inmate Rolston, as getting his perspective may provide additional details about the situation that were not revealed by Inmate Dyne. Personally observing the inmates would be not be the most effective use of the examinee’s time, as a County Correction Sergeant, given the examinee’s responsibilities as a supervisor, particularly when other officers can observe the interactions between the two inmates throughout their shifts. Therefore, the question is correct as keyed.

Question 58 states that during breakfast, Inmate Arroyo approached Inmate Paulson, who was assisting with the meal distribution, to complain about the portions of his food. After Inmate Paulson replied to Inmate Arroyo’s complaint, Inmate Arroyo began to make aggressive hand gestures as though he wanted to fight Inmate Paulson. Inmate Arroyo then collapsed to the ground suddenly and began violently shaking. The question asks what type of Code should be called. The keyed response is option d, that a Code Blue should be called, as Inmate Arroyo’s collapsing to the ground and shaking constitutes a medical emergency. Greutert argues that the question does not offer a correct response because it needs to offer another option for assistance such as a response team. Greutert submits that calling a Code Blue would be problematic because Inmate Arroyo could harm staff, as he had become aggravated and was looking to fight before falling to the floor. Greutert maintains that a Code Brown would be incorrect because the incident is not technically a fight. A review of Question 58 indicates that the correct response is to call a Code Blue based upon Inmate Arroyo experiencing a medical emergency. It is noted that while Inmate Arroyo was agitated before he fell to the ground, he did not physically attack anyone. His fall was sudden and did not result from physical contact. As a result, the facts do not suggest that he would pose a threat to others while being transported to the medical unit. Accordingly, there is no reason that any manpower would be needed beyond the initiating officer and the probe team of three officers responding to the Code Blue. Therefore, Question 58 is correct as keyed.

Question 63 was part of a series of questions that tested the examinees’ ability to evaluate documents for accuracy. The examinees were provided with a Narrative, a Transfer Order, an Incident Report and Incident Report Summaries from two County Correction Officers for their review. In the underlying incident, Inmate David E. Carlin was found with a razor blade in his cell. Inmate Carlin was subsequently extracted from his cell after he refused to relinquish the razor blade. The question asks what is inconsistent between the Narrative and the Transfer Order. The keyed response is option c, the Receiving Institution Authority. It is noted that the Receiving Institution Authority is listed as Warden “Madeline Riverland” in the Narrative and as Warden “Mildred Rivers” in the Transfer Order.

Aboyoun argues that option a, the “type of transfer” is the inconsistency between the two items. In this regard, he contends that there is a distinction between the Narrative’s statement that “[i]t was determined necessary to *temporarily* transfer the inmates” (emphasis added) and the Transfer Order indicating that the type of transfer was a “temporary” transfer. Specifically, Aboyoun submits that “temporary is an [a]djective” that describes something that will “only exist for a time,” while “temporarily is an [a]dverb” that “describes an action that is not permanent.” The Commission emphasizes that option c is clearly the best answer, as there is an obvious difference between “Madeline Riverland” and “Mildred Rivers.” Aboyoun’s argument that there is a difference between the type of transfer noted in the Narrative is invalid for several reasons. Initially, the Commission observes that the Narrative, after noting that “[i]t was determined necessary to *temporarily* transfer the inmates,” states in the subsequent sentence that “[t]he *temporary* transfer was signed off on” (emphasis added). Thus, both the Narrative and the Transfer Order refer to a “temporary transfer.” Further, both “temporary” and “temporarily” are derived from the same root and are understood to carry the same basic meaning. Notably, Webster’s II New College Dictionary defines both “temporary” and “temporarily” as “[l]asting, used or enjoyed for a limited time.” Finally, the Transfer Order references the following types of transfers: routine classification, priority/security transfer, medical transfer, mental health transfer and temporary transfer. For option a to have been a valid answer under this Narrative, the transfer type selected on the Transfer Order would have had to have been routine classification, priority/security transfer, medical transfer, mental health transfer. Accordingly, the question is correct as keyed.

## CONCLUSION

A thorough review of the appellants’ submissions and the test materials reveals that, other than the scoring change noted above, the appellants’ examination scores are amply supported by the record and the appellants have failed to meet their burdens of proof in this matter.

## ORDER

Therefore, it is ordered that these appeals be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 5<sup>TH</sup> DAY OF SEPTEMBER, 2018

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Derek Horvath (2019-15)  
William Kennedy (2019-12)  
John Paul Morici (2018-3799)  
Gonzalo Pedre (2018-3762)  
Joseph Rubino (2018-3785)  
Konstantin Smirnov (2019-8)  
Albert Aboyoun III (2019-38)  
Christopher Baker (2018-3798)  
Nelson Perez (2019-39)  
Michael Johnson  
Joseph DeNardo  
Records Center